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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES M. CRAWFORD, JR., LAMOTT G. OREN,
MICHAEL PAILAS, and BALAKRISHNAN VINOD

Appeal 2010-007743
Application 09/675,415
Technology Center 3600

Before: MURRIEL E. CRAWFORD, BIBHU R. MOHANTY, and
MICHAEL W. KIM, *Administrative Patent Judges*.

CRAWFORD, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF CASE

Appellants seek our review under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1-43. We have jurisdiction under 35 U.S.C. § 6(b).

SUMMARY OF THE DECISION

We reverse.

BACKGROUND

Appellants' invention is directed to a system and method for rendering content according to availability data for one or more items (Specification 1:2-4).

Claim 1 is illustrative:

> 1. A computer-implemented system for rendering content according to availability data for at least one item, comprising:
>
> a server configured to receive a content request from a user in a current interactive session and, in response to the user-supplied content request, to retrieve the user-requested content;
>
> a rendering engine coupled with the server and configured to identify at least one rule within the user-requested content and concerning the item; and
>
> a rules engine coupled with the rendering engine and configured to:
>
> generate at least one availability request corresponding to the rule and concerning the item;
>
> receive availability data for the item;
>
> retrieve additional content according to the availability data for the item, the additional content being selected from among one or more stored content elements that concern the item; and

communicate the additional content concerning the item to the rendering engine for incorporation in the user-requested content;

the rendering engine further configured to render the user-requested content, including the additional content concerning the item;

the server further configured to communicate the rendered user-requested content to the user in the current interactive session to satisfy the user-supplied content request.

Appellants appeal the following rejections:

Claims 1, 4, 5, 8-13, 15, 18, 19, 22-27, 29, 30, 33, 34, and 37-42 are rejected under 35 U.S.C. § 102(b) as anticipated by Cragun (US 5,774,868, iss. Jun. 30, 1998).

Claims 6, 7, 14, 20, 21, 28, 35, 36 and 43 are rejected under 35 U.S.C. § 103(a) as unpatentable over Cragun.

Claims 2, 3, 16, 17, 31, and 32 are rejected under 35 U.S.C. § 103(a) as unpatentable over Cragun and Linden (US 6,266,649 B1, iss. Jul. 24, 2001).

ANALYSIS

Initially, we note that the Appellants argue independent claims 1, 15, 29, and 30 together as a group. (App. Br. 13). Correspondingly, we select representative claim 1 to decide the appeal of these claims, with remaining claims 15, 29, and 30 standing or falling with claim 1. *See*, 37 C.F.R. § 41.37(c)(1)(vii).

We are persuaded of error on the part of the Examiner by Appellants' argument that Cragun's automated sales promotion selection system does

not disclose the claimed rules within the user-requested content concerning the item. Rep. Br. 3-4.

Claim 1 requires that a "rendering engine" (which we conclude is merely software) "identify at least one rule within the user-requested content and concerning the item." The Examiner indicates that the "content" and "item" of the claim are each the item requested to be purchased by a customer. (Ans. 7, 8, 9). Assuming the item to be purchased is the "user-requested content," we find no teaching in Cragun that this to-be-purchased item contains any "rule" that corresponds to an availability request generated, as recited by the claim.

In contrast, Appellants infer that the "rendering engine" is the printer/output device of Cragun. (Rep. Br. 6, App. Br. 14, 16). Therefore, assuming the "requested content" is the printed, employee-or-customer-requested purchase receipt/invoice (column 4 lines 3-22), Cragun teaches that an availability request is generated to retrieve availability data that includes inventory information used to retrieve additional content (column 17 lines 39-54), and that the additional content is communicated as a purchase suggestion or coupon along with the purchase receipt or invoice (column 4 lines 18-22). However, Cragun does not teach that the purchase receipt/invoice contains a "rule within the user-requested content" that is used in the disclosed process, to request availability data and retrieve additional content.

Therefore, either based on the user-requested content being the item to be purchased, or being the sales receipt/invoice, Cragun does not disclose that item/content/receipt contain a rule that is identified and used for generating an availability request to retrieve additional content. Based on

this, we cannot sustain the rejection under 35 U.S.C. § 102(b) over Cragun, because Cragun does not disclose all the elements of the claim, since neither form of content contains a rule used to request availability data. We therefore reverse the rejection of independent claims 1, 15, 29, and 30, as well as dependent claims 2-14, 16-28, and 31-43.

DECISION

We reverse the rejection of claims 1, 4, 5, 8-13, 15, 18, 19, 22-27, 29, 30, 33, 34, and 37-42 under 35 U.S.C. § 102(b), claims 6, 7, 14, 20, 21, 28, 35, 36 and 43 under 35 U.S.C. § 103(a) over Cragun, and claims 2, 3, 16, 17, 31, and 32 under 35 U.S.C. § 103(a) over Cragun and Linden.

REVERSED

MP